

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
No. 3:14-CR-208**

UNITED STATES OF AMERICA

vs.

PAUL BURKS

UNOPPOSED MOTION TO CONTINUE

NOW COMES the defendant, Paul Burks, through undersigned counsel, with the consent of the government, and respectfully moves this Court to continue this matter from the March 16, 2015 calendar. In support of this motion, undersigned counsel show the following:

1. Mr. Burks was named in a four-count indictment on October 24, 2014. He made his initial appearance on November 13, 2014, at which time he was arraigned. Mr. Burks was subsequently released on conditions.

2. Undersigned counsel and counsel for the government have been in steady communication about discovery, which is particularly voluminous. To date, the government has produced over 7.9 million documents to the defense, with additional documentary discovery to be produced over the coming weeks.

3. In addition to managing the above-referenced discovery production, the government and undersigned counsel have been exploring the most effective and efficient manner for the government's additional production of over 11 terabytes of data. The government's IT vendor, PricewaterhouseCoopers ("PWC"), has extracted what the government believes to be the most relevant aspects of this data for use and analysis by the government. The

size of the government's extraction is approximately 400 gigabytes. Within the next 30 days, the government hopes to be able to share with undersigned counsel a memorandum from PWC that will detail PWC's extraction process. Both parties anticipate that this information from PWC will shed important light on how challenging it will be for the defense to access, digest, and analyze this important discovery.

4. Because discovery production is both extremely voluminous and ongoing, the parties believe additional time is needed.

5. Moreover, given the features of this case, including, but not limited to, the unprecedented amount of discovery involved, the parties anticipate filing a joint motion for a peremptory trial date. Until the above-mentioned discovery questions are answered, however, the parties are not in a position to identify a reasonable trial date. Both parties expect that they will be able to file a joint motion for a peremptory setting with the Court by the middle of April 2015.

6. The requested continuance is not for purposes of unnecessary delay, and is made in the interests of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(ii).

Respectfully submitted this the 13th day of March, 2015.

/s/ Noell Tin

Noell P. Tin
N.C. Bar No. 20603
ntin@tinfulton.com

/s/ C. Melissa Owen

C. Melissa Owen
N.C. Bar No. 28903
cmowen@tinfulton.com

/s/ Jacob Sussman

Jacob H. Sussman
N.C. Bar No. 31821
jsussman@tinfulton.com

TIN FULTON WALKER & OWEN PLLC
301 East Park Avenue
Charlotte, NC 28203
T: 704-338-1220
F: 704-338-1312

Counsel for Paul Burks

CERTIFICATE OF SERVICE

The undersigned hereby certifies that s/he has served the foregoing pleading with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel for defendants:

Jenny Grus Sugar
jenny.sugar@usdoj.gov

Corey Ellis
corey.ellis@usdoj.gov

This the 13th day of March, 2015.

/s/ Noell P. Tin